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Chairman: Mr. Tommo Monthe ..... (Cameroon)

Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

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The meeting was called to order at 10.15 a.m.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/65/L.31: Missing persons

1. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

2. **Mr. Musayev** (Azerbaijan) said that Angola, Chile, Congo, Costa Rica, Côte d'Ivoire, Fiji, India, Israel, Panama, Sudan, Uganda and Ukraine had joined the sponsors. The draft resolution had received broad support from Member States and helped to increase attention on the important issue of missing persons.

3. *Draft resolution A/C.3/65/L.31 was adopted.*

Draft resolution A/C.3/65/L.34/Rev.1: Protection of migrants

4. **The Chair** said that he had been advised that the draft resolution contained no programme budget implications.

5. **Mr. González** (Mexico) said that Brazil, Guyana and Portugal had joined the sponsors. Mexico was convinced of the cultural and economic benefits of international migration for all countries affected by it. It was also necessary to recognize the challenges posed by migration, to take into account a human rights perspective, and to address such worrisome trends as the criminalization of international migration. He thanked all delegations for their open and constructive participation and hoped that spirit would prevail in coming years.

6. **Mr. Gustafik** (Secretary of the Committee) announced that Algeria, Angola, Burkina Faso, Cape Verde, Comoros, Congo, Costa Rica, Côte d'Ivoire, Egypt, Ethiopia, India, Indonesia, Jamaica, Morocco, Nigeria and Turkey had joined the sponsors.

7. **Mr. Monterey** (El Salvador) highlighted the importance of the draft resolution for his country, which had been affected by migration at all levels of society. Migrants from El Salvador, which made up 1 per cent of all migrants worldwide, maintained an important link to their communities of origin, as demonstrated by the constant flow of funds sent back to those communities. At the global level, the contribution of migrants helped lift their communities out of poverty and provide them with health care and education, among other services. His country therefore supported the resolution, in the context of its support for migration more broadly.

8. *Draft resolution A/C.3/65/L.34/Rev.1 was adopted.*

9. **Mr. Sammis** (United States of America) said that his delegation had been able to join consensus on the draft resolution after negotiations had resulted in a text that more accurately reflected the rights and responsibilities of States. The principle established under international law that States had the sovereign right to control admission to their territory and to regulate the admission and expulsion of foreign nationals was implicit in any discussion of international migration. That said, his country took seriously the responsibility to respect the human rights of migrants and to provide legal protections to aliens within its territory, in accordance with international law, and urged other States to do the same.

10. The attention given to migration at the United Nations must not be sidetracked by undue focus on bilateral legal matters. As just one example, reference to a specific case in preambular paragraph 9 diverted attention from the serious multilateral reflection and action required on the issue and did not promote constructive cooperation in protecting the human rights of migrants.

11. **Mr. Burniat** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that the European Union was committed to protecting the rights of migrants, regardless of their legal or migration status, and its migration policies were consistent with the human rights obligations of its member States. The European Union therefore welcomed the resolution as a valuable initiative to spell out norms for the treatment and protection of migrants. Given the vulnerability of migrant children, their protection was of paramount importance.

12. The status of immigrants residing legally in European Union member States allowed for access to education, health assistance, housing and appropriate social security or pension. Although irregular migrants were not automatically granted the right to reside in European Union member States, their human rights were fully respected. The fundamental distinction between regular and irregular migration was an integral element of the European Union migration policy. Combating irregular migration, particularly when organized by human trafficking networks that were an affront to human dignity, was one of its priorities, hence the introduction by a number of its member States of criminal penalties for breaches of national immigration law. Migrants charged with breaches of criminal law had the same rights as other defendants; in that connection, the European Union shared the concerns expressed in preambular paragraph 19 that penalties and treatment for irregular migrants should be commensurate to the offence committed. It also shared concerns expressed about legislation, measures and practices that denied irregular migrants the full enjoyment of their human rights.

Agenda item 68: Promotion and protection of human rights (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolution A/C.3/65/L.47: Situation of human rights in the Democratic People's Republic of Korea

13. **The Chair** said that he had been advised that the resolution contained no programme budget implications.

14. **Ms. Fahmy** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement believed that a cooperative and non-confrontational approach must be adopted to deal with human rights situations, in order to provide States with the resources needed to implement their international obligations domestically and without foreign interference. To that end, the Human Rights Council had been established in 2005, as had its universal periodic review mechanism, to eliminate the selectivity, politicization and double standards that had marred the work of the Human Rights Commission.

15. At a recent high-level summit, the Movement had emphasized the role of the Human Rights Council as the organ responsible for consideration of human rights situations in all countries. The Heads of State and Government had also expressed deep concern at the Committee's continued practice of selective adoption of country-specific resolutions. Moreover, they had reiterated the importance of ensuring the implementation of the universal periodic review of the Council as an action-oriented cooperative mechanism, and urged all member States of the Movement to continue to support States under review. Therefore, the Movement did not recognize any justification for creating a parallel track to the Human Rights Council to deal with human rights situations, particularly since those resolutions were targeting only developing countries. Country-specific resolutions were contrary to international good governance, given that States proposing them were almost certain that the targeted States would be unable to respond with similar draft resolutions regarding human rights situations. For all those reasons, the member States of the Movement would vote against the draft resolution.

16. **Mr. Lambert** (Belgium), speaking on behalf of the European Union, Japan and the other sponsors, said that Palau and Turkey had joined the sponsors. Despite annual General Assembly resolutions on the situation of human rights in the Democratic People's Republic of Korea since 2005, grave, widespread and systematic violations of human rights still prevailed, as underscored by several United Nations reports.

17. While the draft resolution did take into account positive steps taken on the part of the Democratic People's Republic of Korea in the previous year, it was regrettable that no substantive changes had yet come about on the ground.

18. Given that the Democratic People's Republic of Korea had made no substantial effort to meet earlier requests made by the international community, the General Assembly should use the draft resolution to more strongly urge the Government to put an immediate end to human rights violations and to cooperate with all human rights special procedures. Failure to react would send the political signal that the situation had improved or that concern had decreased, neither of which was the case.

19. The European Union would have preferred a negotiation process with the Democratic People's Republic of Korea on the human rights issues mentioned in the resolution, but it had refused to engage in discussions. As he understood that a

recorded vote would be taken on the resolution, his delegation, along with all other sponsors, would vote in favour.

20. **Mr. Gustafik** (Secretary of the Committee) announced that Samoa had joined the sponsors.

21. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea) said that his delegation categorically rejected the draft resolution as an outcome of the political plot of the United States of America and its followers and an illegal, slanderous document that infringed on the sovereignty of his country. The so-called concern of the European Union over human rights violations was nothing but a pretext to interfere in the internal affairs of the Democratic People's Republic of Korea. His country had started a bilateral dialogue on human rights and engaged in relevant cooperation with the European Union in 2001, but the process had broken down in 2003 when the European Union had presented an anti-Democratic People's Republic of Korea resolution to United Nations human rights forums, the first of several confrontational resolutions. The European Union appeared to expect that his country's system could be changed overnight in its own image. It was clear that the main sponsors of the draft resolution sought, in fact, not to promote human rights but instead to change the ideology and system of the Democratic People's Republic of Korea. Such an expectation was a gross miscalculation, for neither slander nor plots would bring down the Korean-style socialist system, which had been chosen and defended by the Korean people at the cost of their lives. Indeed, the Government's pursuit of people-centred policies had enabled his country to advance along the road it had chosen despite persistent political pressure, economic blockades and foreign military threats.

22. Countries that occupied others by force of arms and massacred millions of innocent civilians were the worst human rights abusers, and their criticism of the situation in his country made a mockery of human rights and cast shame on humanity. His delegation requested that a recorded vote should be taken and expected all countries that aspired to justice, truth and peace to vote against the politically motivated draft resolution.

23. **Ms. Kolontai** (Belarus), speaking in explanation of vote before the voting, said that her country, as a matter of principle, had always opposed politicized country-specific resolutions, which undermined the principles of objectivity and non-selectivity in the consideration of human rights issues. The annual adoption of country-specific resolutions by the Committee duplicated the work of the Human Rights Council. Moreover, while the Council's analysis of human rights situations in different countries was based on a constructive and mutually respectful dialogue, the Committee's practice failed to build a climate of trust or respect for the specific historical and cultural traditions of individual countries. Belarus would therefore vote against the draft resolution.

24. **Mr. Kodama** (Japan) said that Japan believed that human rights issues should generally be addressed through constructive dialogue and cooperation. However, given the grave concern of the international community over the human rights situation in the Democratic People's Republic of Korea, his delegation urged that country to address the issues raised in the resolution, including its persistent refusal to engage in dialogue with the Special Rapporteur or in technical cooperation with the United Nations Office of the High Commissioner for Human Rights (OHCHR) and its failure to resolve the issue of its abduction of Japanese citizens in the 1970s and 1980s. A grave violation of human rights, those abductions were a matter of utmost concern for his Government.

25. Japan considered the universal periodic review mechanism a very effective tool for reviewing country situations. However, the Democratic People's Republic of Korea had not yet taken action in response to the results of its review, hence his delegation's concern that the mechanism was not working effectively in that particular case. In such grave situations, the international community must join the Human Rights Council and express its concern through the General Assembly, as such action could bring about an improvement in the human rights situation of the country in question.

Statements made in explanation of vote before the voting

26. **Ms. Herrera Caseiro** (Cuba) said that it would vote against the draft resolution, in line with its traditional principled position against country-specific resolutions. Political motivations had no bearing on human rights issues. Double standards in consideration of human rights situations had led to the demise of the discredited Commission on Human Rights, demonstrating that genuine and impartial international

cooperation was the only legitimate means of improving human rights situations.

27. **Ms. Murillo Ruin** (Costa Rica) said that the Human Rights Council had the main competency in dealing with human rights situations, as it had the tools to examine specific cases, chief among them the universal periodic review mechanism.

28. **Mr. Ali** (Sudan) said that his delegation encouraged the Democratic People's Republic of Korea to continue its efforts to implement the recommendations of the Human Rights Council. He called for the practice of presenting country-specific resolutions to be discontinued, as human rights-related resolutions fell under the mandate of the Human Rights Council. The Sudan believed that it was the responsibility of countries to cooperate with the Human Rights Council and to strengthen its role, and to avoid use of United Nations human rights mechanisms to exert political pressure. In light of those concerns, his delegation would vote against the resolution.

29. **Ms. Abubakar** (Libyan Arab Jamahiriya) expressed deep concern that some countries continued to use human rights as a pretext to impose their laws and political ideologies on others. Human rights issues had, regrettably, become a means to pressure others to achieve political ends. No country could be said to be perfect in its promotion and protection of human rights, and the time had come to refuse the politicization of human rights issues and to resolve them on the basis of mutual respect and acknowledgement of the specificities of different peoples. Based on its principled position against selective country-specific resolutions, her delegation would vote against the draft resolution. Its vote, however, must not be interpreted as an endorsement of human rights violations anywhere in the world.

30. **Ms. Hoang** Thi Than Nga (Viet Nam) reiterated her country's principled position against the politicization of human rights issues, hence its intention to vote against the draft resolution, which it considered counterproductive to dialogue between member States. The universal periodic review mechanism of the Human Rights Council was based on national ownership and dialogue. Viet Nam welcomed the universal periodic review of the Democratic People's Republic of Korea in 2009 and acknowledged the Government's efforts to address human rights issues, particularly given the economic difficulties it faced. She reaffirmed her country's readiness to share its relevant experiences and expressed the hope that the issue of abductions of foreign nationals would soon be resolved.

31. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her delegation would vote against the draft resolution, in accordance with the principles of its foreign policy, which opposed the selective practice of presenting country-specific resolutions. That practice aimed to condemn and criminalize the States targeted by such resolutions, subjecting them, year after year, to manipulation and political pressure. The General Assembly was not the proper space to debate human rights issues and should not be used as a tool to perpetrate such practices. The Human Rights Council was the entity responsible for examining human rights issues in an objective and non-selective manner.

32. **Ms. Zhang** Dan (China) said that her delegation would vote against the draft resolution, as it believed that human rights issues should be addressed through constructive dialogue. Country-specific resolutions only served to politicize issues and provoke confrontation. She welcomed the participation of the Democratic People's Republic of Korea in the universal periodic review process and its cooperation with United Nations development agencies and called on the international community to adopt a pragmatic approach and provide humanitarian assistance to help the country with the economic and social development challenges it faced.

33. **Ms. Bhoroma** (Zimbabwe) said that country-specific resolutions were not intended to promote human rights, but instead aimed at advancing the political interests and power of developed countries. Such resolutions were also counter-productive, as they entrenched polarization between and among nations. Moreover, those measures undermined the credibility and integrity of the universal periodic review process, which was the agreed framework for addressing human rights issues in all countries. Based on that principled position, her delegation would vote against the draft resolution and all subsequent country-specific draft resolutions before the Committee.

34. **Mr. Rastam** (Malaysia), calling for a non-confrontational approach, said that human rights issues should not be exploited for political purposes.

Human rights must be addressed within a global context based on respect for national sovereignty. His delegation would vote against the draft resolution, which selectively targeted a single country. He encouraged all States to use the universal periodic review process to improve the protection of human rights in a fair manner. He urged the Government of the Democratic People's Republic of Korea to resolve its outstanding issues with neighbouring countries.

35. **Mr. Rai** (Nepal) said that his delegation shared the concerns expressed in the draft resolution, particularly in paragraph 2 regarding the abduction of foreigners. He called on the Government of the Democratic People's Republic of Korea to resolve those concerns. However, the universal periodic review was the appropriate mechanism to address human rights concerns. The international community should engage more constructively on the issues proposed by the United Nations human rights framework, including the Human Rights Council. His delegation would abstain in the voting on the draft resolution and subsequent country-specific draft resolutions.

36. *A recorded vote was taken on draft resolution A/C.3/65/L.47.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Central African Republic, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Myanmar, Oman, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Azerbaijan, Bangladesh, Barbados, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Cape Verde, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Dominican Republic, Ecuador, Ethiopia, Gabon, Gambia, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Mali, Mauritius, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, Uganda, Yemen, Zambia.

37. *Draft resolution A/C.3/65/L.50 was adopted by 100 votes to 18, with 60 abstentions.*[1]

38. **Mr. de Séllos** (Brazil) said that his delegation took note of the increased cooperation between the Government of the Democratic People's Republic of Korea and the United Nations system, particularly with regard to humanitarian assistance. He urged Member States to address the lack of resources for such activities. His delegation remained concerned about the human rights situation in the country, particularly limitations on access to food, water, sanitation and health services, as well as the restrictions on civil and political rights. Although the Government had participated in the universal periodic review process, its engagement with United Nations bodies and the

[1] The delegations of Chile, Somalia and Tuvalu subsequently indicated that they had wished to vote in favour of the draft resolution. The delegation of Georgia subsequently indicated that, had it been present, it would have voted in favour of the draft resolution.

transparency of related activities remained to be improved. Regarding the abduction of Japanese citizens, he urged the Government to take concrete steps to resolve the situation, including by allowing for the return of abductees.

39. Despite those concerns, his delegation believed that country-specific draft resolutions were the product of a deficient process. Such resolutions were the only ones considered by the Third Committee that did not undergo a transparent consultation process. Furthermore, the fact that only certain human rights situations were addressed reinforced the view that the treatment of human rights issues was selective and politicized. The Human Rights Council was best equipped to examine such manners in a holistic, multilateral and depoliticized way.

40. **Mr. Babadoudou** (Benin) said that the fact that his delegation had voted in favour of a country-specific resolution for the first time was not to be taken as a change of position on that matter, but rather as an expression of support for a friendly country on the issue of abductions. The draft resolution remained selective and would not improve conditions on the ground in the Democratic People's Republic of Korea. No State was exempt from human rights violations or had the authority to advise another regarding human rights matters. That was the role of the Human Rights Council, whose efforts would no doubt lead the Democratic People's Republic of Korea to the negotiating table and improve the situation in the country.

41. **Mr. Kleib** (Indonesia) said that the universal periodic review was the appropriate mechanism for reviewing the situation in all countries on an equal basis and had been created for that purpose. As such, it must be fully supported by Member States in order to eliminate all manner of selectivity. His delegation recognized that the draft resolution raised human rights issues that needed to be addressed and hoped that the Government of the Democratic People's Republic of Korea would give them due consideration. However, his delegation was not in a position to vote for a country-specific draft resolution and had abstained in the voting.

42. **Mr. Vimal** (India) said that, as noted in paragraph 2 of the draft resolution, the abduction of nationals from one country by another was unacceptable. His delegation sympathized with the victims of abductions and hoped for a timely resolution of the issue.

43. **Mr. Saravanan** (Singapore) said that country-specific resolutions were highly selective, driven by political considerations and inherently divisive. Country-specific human rights issues should be taken up under the universal periodic review process, which had been devised precisely for that function. Singapore had therefore abstained in the voting on the draft resolution and would be doing the same for all subsequent country-specific draft resolutions. However, Singapore's abstention should not be interpreted as expressing a position on the human rights situation of the country concerned.

Draft resolution A/C.3/65/L.48/Rev.1: Situation of human rights in Myanmar

44. *The Chair drew the Committee's attention to the statement of programme budget implications of the draft resolution (A/C.3/65/L.64/Rev.1).*

45. **Mr. Lambert** (Belgium), speaking on behalf of the European Union and the other sponsors, said that Turkey had joined in sponsoring the draft resolution. The text had been updated to reflect the recent elections and the release of Daw Aung San Suu Kyi, which was a significant measure the General Assembly had called for during the many years of her arbitrary house arrest. As in previous years, the text was based on the concerns expressed in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in Myanmar. The draft resolution strongly urged the Government to release the more than 2,100 prisoners of conscience still being held and to end politically motivated arrests. The draft resolution was also an important aspect of international engagement with the Government in that it allowed the Secretary-General to continue to follow the situation in the country, particularly during the post-election phase, through the work of his Special Adviser on Myanmar.

46. It was unfortunate that, despite the appeals of the international community, the Government had not ensured that the elections were free, fair and inclusive. Irregularities had been reported, including restrictions on registration of parties, detention of activists, cancellation of elections in ethnic areas and unequal access to campaign funding. Fraud, including advance voting arrangements, had also been reported. Against that background, the draft resolution called on the

Government to begin an inclusive post-election phase with a view to consolidating a legitimate, civilian system of government, based on the rule of law and respect for human rights.

47. A genuine transition to democracy and national reconciliation was not possible without an improvement in the human rights situation. Violations continued with impunity, including displacement, use of child soldiers, targeting of civilians in military operations, forced labour, arbitrary detentions and discrimination against ethnic minorities. For those reasons, the draft resolution urged the Government to take steps to address justice and accountability without delay. Such cooperation would be evidence of a serious intention to transition to democracy. The draft resolution also urged cooperation with the international community, including by engaging with the Special Rapporteur and the Special Adviser.

48. The draft resolution welcomed positive steps taken by the Government, including in terms of accepting humanitarian assistance, curbing forced labour and engaging with the universal periodic review process. The text had been drafted to foster a consensual approach, and bilateral consultations had been conducted throughout the process. Discussions had also been held with the delegation of Myanmar and the text had been revised to accommodate suggestions accordingly. However, despite those efforts, a vote had been requested on the draft resolution. The sponsors would be voting in favour and strongly encouraged other delegations to do the same.

49. **Ms. Fahmy** (Egypt), speaking on behalf of the Movement of Non-Aligned Countries, said that human rights issues should be approached in a non-confrontational manner which focused on enhancing the national capacity of States to fulfil their human rights obligations. The United Nations human rights framework had been refashioned to overcome the issues that had undermined the former Commission on Human Rights and that would allow all Member States to accept recommendations in a spirit of cooperation. The Heads of State and Government of the Movement, at their 15th Summit, had emphasized that the Human Rights Council was the principal body responsible for consideration of human rights issues. In that regard, it was critical to implement the universal periodic review mechanism, which was results-oriented and based on objective information and interactive dialogue. They had also expressed deep concern about the continued adoption of selective country-specific draft resolutions in the Third Committee, which breached the principles of universality and non-selectivity in addressing human rights issues. There was no need to create a parallel system to address human rights situations, particularly one that only targeted developing countries. The draft resolution ran counter to the principles of international good governance. It was a means for some States to target others using their economic and political capacities and alliances, confident that similar draft resolutions could not be submitted against them. Based on those issues, States members of the Movement would vote against the resolution.

50. **Mr. Swe** (Myanmar) said that the draft resolution was flawed both in its substance and in its approach to procedure. The contents were based on the allegations of insurgents and expatriate groups that opposed the Government. Under the guise of concern for human rights, the sponsors sought to impose political pressure on Myanmar. Furthermore, the draft resolution completely neglected the Government's political and socio-economic achievements. In the two decades during which the European Union had been bringing intrusive and prescriptive draft resolutions against Myanmar before the Committee, over 100,000 armed insurgents had joined the Government's reconciliation efforts, and peace and stability now prevailed throughout most of the country.

51. National elections had been held peacefully, and the majority of eligible voters had chosen to exercise their democratic right to elect their representatives. The Chair of the Association of Southeast Asian Nations (ASEAN) had formally welcomed the elections and many States had acknowledged that it was a significant step in the implementation of the seven-step road map to democracy. The draft resolution expressed concern about the cancellation of elections in ethnic areas and reports of vote fraud. Yet elections had been cancelled for security reasons in only 0.5 per cent of the country's constituencies. The accusations regarding vote rigging were clear attempts by losing parties and some media to discredit the elections, as votes had been counted in the presence of the public and representatives of the candidates. No formal complaints had been received about electoral irregularities and the election commission had reminded the political parties that they could choose to contest any results through official channels.

52. The draft resolution was flawed in its approach to established procedures in the United Nations. Myanmar had supported the establishment of the Human Rights Council and encouraged States' engagement with the universal periodic review process. Myanmar itself would be undergoing review in January 2011 and had submitted its initial report on time. Dialogue and cooperation were the only appropriate means of promoting and protecting human rights; finger-pointing and pressure would not resolve differences. Should the European Union have genuine concerns regarding human rights, it would do better by expressing them through cooperation rather than through attempted coercion. Myanmar was at a critical juncture in its transformation into a democratic State. The imposition of political pressure and economic sanctions by both countries and international financial institutions was immoral. In that regard, the European Union was doing a disservice to the cause of human rights through its accusatory draft resolution.

53. The draft resolution infringed on Myanmar's sovereignty, and, if left unchallenged, would set a dangerous precedent, as it was an obvious attempt by Western States to interfere with the affairs of a developing country in their disfavour. Many States disagreed with that approach and instead supported a policy of engagement. His delegation therefore requested a recorded vote and appealed to all States to stand on principle and vote against the politicized draft resolution.

Statements made in explanation of vote before the voting

54. **Mr. Lukiyantsev** (Russian Federation) said that his country had repeatedly opposed the ongoing practice of selective and unilateral country-specific draft resolutions being submitted to United Nations human rights bodies for consideration. Such working methods were counterproductive and only exacerbated confrontation between Member States. Indeed, politicization and a lack of genuine dialogue had rendered the former Commission on Human Rights ineffective.

55. The establishment of the Human Rights Council and the successful functioning of the universal periodic review provided new opportunities for a constructive and mutually respectful dialogue in the area of human rights. The consideration of human rights situations in individual countries should therefore take place within the framework of the Council's review process. That position was applicable to all country-specific draft resolutions considered by the Committee at the current session.

56. Lastly, in the context of the recently held elections in Myanmar and other positive developments, particularly the release of Daw Aung San Suu Kyi, the adoption of the draft resolution prepared by the European Union would send the wrong signal to the Myanmar authorities. His delegation would therefore vote against the draft resolution.

57. **Mr. Wang** Min (China) said that his delegation regretted that a country-specific draft resolution against Myanmar was once again being brought before the Committee. Constructive dialogue was the only proper way to protect human rights, and the universal periodic review mechanism already provided an appropriate platform and should be fully utilized. The recent elections in Myanmar had been conducted peacefully and were a critical part of fulfilling the seven-step road map to democracy. Regrettably, the draft resolution failed to recognize that progress and continued to employ a critical and accusatory approach. As a neighbour to Myanmar, China encouraged the maintenance of stability and consolidation of the democratic process in the country. He called on the international community to consider the human rights situation in Myanmar objectively and seek to strengthen dialogue and trust with the Government. His delegation would vote against the draft resolution.

58. **Ms. Hoang** Thi Than Nga (Viet Nam) said that her delegation welcomed the general elections and the release of Daw Aung San Suu Kyi as positive steps and hoped to see further advancements towards reconciliation and stability in Myanmar. She regretted that the draft resolution failed to recognize progress and politicized human rights issues, which only served to undermine United Nations efforts to build cooperation and trust with the Government of Myanmar. Her delegation was particularly concerned with the reference to the biased and unfounded accounts contained in the Special Rapporteur's report. Her delegation would vote against the draft resolution. As a neighbour and fellow member of ASEAN, Viet Nam urged Myanmar to cooperate with regional and international partners. Her Government would continue to support the good offices of the Secretary-General in

the reconciliation process and stood ready to support Myanmar in accordance with the ASEAN Charter.

59. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her Government was committed to the principles of non-intervention, self-determination and the sovereignty of States. Her delegation would vote against the draft resolution, which was a reflection of selectivity in the promotion and protection of human rights and ran counter to the Charter. The Human Rights Council was the appropriate body for examining human rights issues through constructive dialogue, based on objective information. It was unacceptable that some States used human rights issues to stigmatize others, as they had no such moral authority.

60. **Mr. Sorreta** (Philippines) said that his delegation did not support country-specific resolutions and would abstain from voting. The Government of Myanmar must stand by its people through the democratization process. His delegation welcomed the release of Daw Aung San Suu Kyi, but other measures towards democratization and stability must follow, including the immediate release of prisoners of conscience. The fact that the elections were not viewed as credible was also of concern.

61. **Mr. Rastam** (Malaysia) said that human rights issues should not be exploited for political purposes and called for a non-confrontational approach. His delegation would vote against the draft resolution, which selectively targeted a single country. He encouraged all States to use the universal periodic review process to examine human rights issues. Myanmar needed support from all sides in the transition process. He urged the Government of Myanmar to implement the road map to democracy and cooperate with the good offices of the Secretary-General.

62. **Ms. Herrera Casciro** (Cuba) said that Cuba had had a long-standing position against country-specific draft resolutions, which were used selectively against developing countries. The universal periodic review was the appropriate mechanism for considering the human right situations in all countries on an equal basis, based on constructive dialogue. Her delegation was opposed to the use of human rights issues as a means of applying political pressure and intervening in national matters and would therefore vote against the draft resolution.

63. **Mr. Vimal** (India) said that the protection of human rights could only be achieved through dialogue and consultation. Myanmar was an important neighbour to India, and his Government considered peace and stability in the country to be a crucial matter. India would continue to support the good offices of the Secretary-General and urged the international community to do the same. His delegation considered the elections to be an important step in the national reconciliation process and welcomed the release of Daw Aung San Suu Kyi, which would no doubt foster an inclusive approach to political reform. The draft resolution was condemnatory and did not contribute to the positive efforts of the United Nations. His delegation would therefore vote against it.

64. **Ms. Andamo** (Thailand) said that her delegation would abstain in the voting. The advancement of human rights was achieved through constructive engagement, not through country-specific resolutions. The universal periodic review was the appropriate means of discussing human rights issues on a non-discriminatory basis. The holding of elections and the release of Daw Aung San Suu Kyi were important steps in the democratization and reconciliation process, and her delegation hoped that those developments would lead to positive changes.

65. The political development of Myanmar must be linked with efforts at social and economic development. In that regard, the Government of Thailand was committed to providing sustained cooperation to Myanmar in the post-election period and beyond. Thailand would also seek to fulfil its human rights and security obligations as a member of ASEAN. Her delegation supported the good offices of the Secretary-General and encouraged the Government of Myanmar to strengthen its collaboration with the United Nations and members of ASEAN.

66. **Ms. Abubakar** (Libyan Arab Jamahiriya) said that her delegation was concerned that some States were imposing their political objectives under the pretext of concern for human rights. Human rights violations occurred in all countries. It was time for Member States to stop submitting such draft resolutions and leave the promotion and protection of human rights to the Human Rights Council. In accordance with the conclusions reached at the summits of the Movement of Non-Aligned Countries, her delegation would vote against the draft resolution.

However, that position should not be interpreted as supporting any violations of human rights.

67. *A recorded vote was taken on draft resolution A/C.3/65/L.48/Rev.1.*

In favour:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guyana, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

Against:

Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Nicaragua, Oman, Russian Federation, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Colombia, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Mali, Mozambique, Namibia, Nepal, Niger, Pakistan, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, United Arab Emirates, Yemen, Zambia.

68. *Draft resolution A/C.3/65/L.48/Rev.1 was adopted by 96 votes to 28, with 60 abstentions.*[2]

69. **Mr. de Séllos** (Brazil) said that, despite the fact that his delegation had abstained in the voting, it remained concerned with the continuing violations of human rights in Myanmar, as noted in the reports of the Special Rapporteur and the Special Adviser. He praised the holding of elections for the first time in two decades and hoped that the voting process would bring the reforms needed to establish democratic institutions. The transition to democracy should create opportunities for all to participate in the electoral process. While the release of Daw Aung San Suu Kyi was welcome, it was unfortunate that it had taken place after the elections. He encouraged the Government of Myanmar to support her participation in the political process and grant amnesty to political prisoners. His delegation hoped that the new Government would build on the momentum of the elections to re-engage with the United Nations system, including by allowing visits by the Special Adviser and the Special Rapporteur and fulfilling the obligations assumed under the universal periodic review process. Despite those concerns, however, his delegation believed that country-specific draft resolutions were the product of a deficient process. Such resolutions were the only ones considered by the Third Committee that did not undergo a transparent consultation process. Furthermore, the fact that only certain human rights situations were addressed reinforced the view that the treatment of human rights issues was selective and politicized. The Human Rights Council was best equipped to examine such matters in a holistic, multilateral and depoliticized way.

[2] The delegation of Bahrain subsequently indicated that it had intended to abstain.

70. **Mr. Kodama** (Japan) said that the international community must send a message to the Government of Myanmar that the democratization process should be improved and had therefore voted in favour of the draft resolution. His delegation was pleased that some of its amendments that recognized positive steps taken by the Government had been incorporated into the text, as such encouragement helped to spur change. It regretted that the elections had not been fair, but viewed the release of Daw Aung San Suu Kyi as a step forward, and hoped to see further measures towards democratization and reconciliation.

71. **Mr. Swe** (Myanmar) said that the results of the recorded vote had demonstrated that, even in the face of enormous political pressure, many countries would not tolerate the exploitation of human rights through the adoption of country-specific resolutions. His delegation opposed the attempts to interfere with his country's internal affairs and domestic political processes. The draft resolution had no moral authority and Myanmar would not be bound by it. He thanked the Member States who had voted against the draft resolution or abstained in the voting. He also recognized the constraints some developing countries faced in taking a principled position. Although that was regrettable, his delegation believed that in the near future, all Member States would be free to express their rights and vote against ill-intended resolutions. Human rights issues in the global context must be addressed through a dialogue-based approach guided by the principles of respect for national sovereignty and territorial integrity. His Government would continue to promote and protect the human rights of the people of Myanmar and would continue to cooperate with the United Nations.

72. **Mr. Kleib** (Indonesia) said that his delegation supported the good offices of the Secretary-General and recognized the steps taken towards democratization and reconciliation in Myanmar, including the holding of elections and the release of Daw Aung San Suu Kyi. While his delegation recognized the concerns raised in the draft resolution, it believed that the universal periodic review was the most appropriate mechanism to review human rights situations in all countries on an equal, non-politicized basis and had therefore abstained in the voting on the draft resolution.

73. **Mr. Ahmed** (Bangladesh) said that his delegation welcomed the unconditional release of Daw Aung San Suu Kyi and had taken note of the elections. He expressed the hope that future elections would be held in a more transparent and democratic manner. He noted that Myanmar would be undergoing the universal periodic review process the following year, which was the most appropriate mechanism for addressing human rights issues. His delegation did not believe that the draft resolution contributed to implementing the seven-step road map to democracy and had therefore voted against it.

The meeting rose at 12.50 p.m.